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SB1053: veterinary medicine; electronic means

Sponsor: Senator Shope, LD 16

Transmitted to the Governor

Overview

Allows a veterinarian to use an audio-video communication medium to establish a veterinarian-client patient relationship and prescribe drugs subject to certain terms and conditions.

History

Veterinarian Client-Patient Relationship Requirements

Veterinarian-client patient relationship (VCPR) refers to the professional arrangement in which veterinary medicine is practiced. This arrangement is formalized in state law when all the following criteria are met:

- 1) The veterinarian assumes responsibility for making medical judgments on an animal's health and necessary treatment and the client, owner or caretaker agrees to follow the veterinarian's instructions;
- 2) The veterinarian has sufficient knowledge from personally examining the animal to diagnose the animal's medical condition and
- 3) The veterinarian is available for a follow-up evaluation or has arranged for emergency coverage or for continuing care and treatment by another veterinarian who has access to the animal's medical records ([A.R.S. § 32-2201](#)).

In Arizona, performing veterinary services or releasing, prescribing or dispensing any prescription drugs in the absence of a valid VCPR constitutes unprofessional or dishonorable conduct, which is grounds for the Arizona State Veterinary Medical Examining Board to revoke or suspend a veterinarian's permit or license and impose a civil penalty of up to \$1,000 (A.R.S. §§ [32-2232](#) and [32-2233](#)).

Additionally, the U.S. Food and Drug Administration (FDA) and U.S. Department of Agriculture (USDA) also require VCPRs to be established in the following circumstances:

- The FDA regulations require a valid VCPR for veterinary feed directive drugs and prescriptions of extra-label drugs. Veterinary feed directive drugs such as antimicrobials are used in animal feeds and require supervision by a licensed veterinarian ([21 C.F.R. § 558.6](#)). Extra-label use involves using a drug in an animal in a way that is inconsistent with approved labeling such as using it for a disease and other conditions not listed in the labeling or at dosage levels or frequencies different from those stated on the labeling ([21 C.F.R. § 530.3\(a\)](#)).
- USDA regulations require a valid VCPR when a veterinarian is preparing products to give to animals in the course of veterinary practice ([9 C.F.R. § 107.1](#)).

The requirements for valid VCPR under the FDA's and USDA's regulations mirror the requirements currently established in Arizona Revised Statute ([21 C.F.R. § 530.3\(i\)](#) and [9 C.F.R. § 107.1\(a\)\(1\)](#)). This VCPR cannot be established solely through telemedicine appointments. In

any state where VCPR requirements do not meet the minimum federal requirements, the federal VCPR requirements must be followed.

However, veterinarians were allowed to establish VCPRs through telemedicine during the COVID-19 pandemic. Executive Order 2020-19 ("Telemedicine for Pets and Animals") allowed licensed veterinarians to use telemedicine to establish or maintain a VCPR provided the veterinarian was able to gather sufficient information to determine a preliminary diagnosis and followed minimum standards of care. It also allowed all electronic means of delivering veterinary telehealth, including telephone and videocalls. This executive order took effect on April 1, 2020 and was rescinded on May 5, 2021. Similarly, in March 2020, the FDA published a guidance document to temporarily allow VCPRs to be established using telemedicine during the COVID-19 outbreak ([85 F.R. 16949](#)). The FDA withdrew this guidance on February 21, 2023 ([87 F.R. 78111](#)).

Dispensing Prescriptions

Veterinarians may dispense drugs provided they record the name, strength and quantity of the drug dispensed, the date the drug is dispensed and the therapeutic reason for the prescription into the animal's medical record. Additionally, all prescription-only drugs must be labeled with:

- a) the dispensing veterinarian's name and contact information;
- b) the date the drug is dispensed;
- c) the animal owner's name and the animal's or herd's identification;
- d) the name, strength and quantity of the drug and
- e) directions for the drug's use and any cautionary statements.

When dispensing benzodiazepine or schedule II controlled substances, which have high potential for abuse and severe psychological or physical dependence, a veterinarian must limit initial amounts dispensed to a 14-day supply or 5-day supply, respectively. For treatment of an animal with a chronic condition that requires long-term use of these substances, a veterinarian may not dispense more than a 30-day supply at a time after the initial period. Prescriptions filled at pharmacies are exempt from these limits. Veterinarians may only dispense to the animal's owner or the person responsible for the animal ([A.R.S. § 32-2281](#)).

Provisions

1. Allows a VCPR to be established using current knowledge of the animal obtained through a real-time electronic examination using an audio-video based communication medium if
 - a) the veterinarian is licensed or holds a permit pursuant to statute;
 - b) the veterinarian obtains informed consent from the client that includes an acknowledgement that the same standards of care apply to in-person and electronic visits and that documentation of this consent will be maintained for at least three years;
 - c) the client is provided with the veterinarian's name, contact information and license number on the electronic or written record of the visit and the veterinarian secures an alternate means of contacting the client if the electronic means is interrupted;
 - d) the veterinarian advises the client, before conducting the evaluation electronically, that
 - i. the veterinarian may ultimately recommend an in-person visit,
 - ii. federal law prohibits the prescription of some drugs or medications based only on an electronic examination,
 - iii. the appointment through electronic means may be terminated at any time; and
 - e) the veterinarian is able to recommend a local veterinarian who can see the animal in-person so the client has the option to choose an in-person visit. (Sec. 1 and 2)
2. Allows a veterinarian to prescribe drugs or medications after establishing a veterinary client patient relationship through electronic means if the prescriptions are:

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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- a) initially issued for no more than 14 days and may be renewed for more than 14 days with an additional electronic examination;
 - b) not renewed more than once without an in-person examination;
 - c) not controlled substances unless the veterinarian has performed an in-person physical examination of the patient or made medically appropriate and timely visits to the patient's premises;
 - d) made available at the pharmacy of the client's choosing if possible and requested by the client; and
 - e) prescribed in accordance with all federal and state laws. (Sec. 2)
- 3. Prohibits a veterinarian from electronically establishing a VCPR for animals used in regulated commercial food production. (Sec. 2)
 - 4. Requires veterinary services provided through electronic means to be subject to the rules of the Arizona State Veterinary Medical Examining Board. (Sec. 2)
 - 5. Makes technical changes. (Sec. 1)